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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,414	04/09/2004	Geoffrey B. Rhoads	P0968	8413
23735	7590	07/22/2005	EXAMINER	
DIGIMARC CORPORATION 9405 SW GEMINI DRIVE BEAVERTON, OR 97008			COUSO, JOSE L	
		ART UNIT		PAPER NUMBER
		2621		
DATE MAILED: 07/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/821,414	RHOADS, GEOFFREY B.
	<b>Examiner</b>	Art Unit
	Jose L. Couso	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 07 February 2005.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-20 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 09 April 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

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1. Applicant is required to provide an explanation of how each of claims 1 and 2 is supported by the specification (or which priority specification).

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-2 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has not pointed out where claim 1 is supported, nor does there appear to be a written description of the claim limitation "A method for identifying copyrighted images on a network for ensuring legal uses of the copyrighted images, the method comprising" in the application as filed. Applicant needs to be specific, with reference to both the specification and figures, to show support for the claim limitations. Applicant also needs to show functions, processes, operations carried out by the method rather than functions, processes, operations that can be or could be carried out by the method.

Applicant has not pointed out where claim 1 is supported, nor does there appear to be a written description of the claim limitation "(a) searching a network for steganographically embedded image based on predetermined information" in the application as filed. Applicant needs to be specific, with reference to both the specification and figures, to show support for the claim limitations. Applicant also needs

to show functions, processes, operations carried out by the method rather than functions, processes, operations that can be or could be carried out by the method.

Applicant has not pointed out where claim 1 is supported, nor does there appear to be a written description of the claim limitation "(b) comparing data extracted from a located image to the predetermined information" in the application as filed. Applicant needs to be specific, with reference to both the specification and figures, to show support for the claim limitations. Applicant also needs to show functions, processes, operations carried out by the method rather than functions, processes, operations that can be or could be carried out by the method.

Applicant has not pointed out where claim 1 is supported, nor does there appear to be a written description of the claim limitation "(c) if the extracted data matches the predetermined information, verifying with a database whether the located image has been licensed for on-line uses" in the application as filed. Applicant needs to be specific, with reference to both the specification and figures, to show support for the claim limitations. Applicant also needs to show functions, processes, operations carried out by the method rather than functions, processes, operations that can be or could be carried out by the method.

Applicant has not pointed out where claim 2 is supported, nor does there appear to be a written description of the claim limitation "a method for identifying copyrighted content on a network for ensuring legal uses of the copyrighted content, the method comprising" in the application as filed. Applicant needs to be specific, with reference to both the specification and figures, to show support for the claim limitations. Applicant

also needs to show functions, processes, operations carried out by the method rather than functions, processes, operations that can be or could be carried out by the method.

Applicant has not pointed out where claim 2 is supported, nor does there appear to be a written description of the claim limitation "(a) searching a network for steganographically embedded content based on predetermined information" in the application as filed. Applicant needs to be specific, with reference to both the specification and figures, to show support for the claim limitations. Applicant also needs to show functions, processes, operations carried out by the method rather than functions, processes, operations that can be or could be carried out by the method.

Applicant has not pointed out where claim 2 is supported, nor does there appear to be a written description of the claim limitation "(b) comparing data extracted from located content to the predetermined information" in the application as filed. Applicant needs to be specific, with reference to both the specification and figures, to show support for the claim limitations. Applicant also needs to show functions, processes, operations carried out by the method rather than functions, processes, operations that can be or could be carried out by the method.

Applicant has not pointed out where claim 2 is supported, nor does there appear to be a written description of the claim limitation "(c) if the extracted data matches the predetermined information, verifying with a database whether the located content has been licensed for on-line uses" in the application as filed. Applicant needs to be specific, with reference to both the specification and figures, to show support for the claim limitations. Applicant also needs to show functions, processes, operations carried out by

the method rather than functions, processes, operations that can be or could be carried out by the method.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Houser et al. (U.S. Patent No. 5,606,609).

In regard to claim 3, Houser describes from at least one computer, automatically obtaining audio or image content from plural different network sites (see figure 2 and refer for example to column 8, lines 50-65); automatically identifying plural of the obtained content having certain digital watermark data embedded therein, and decoding the digital watermark data therefrom (refer for example to column 7, lines 45-60 and column 8, lines 20-32); by reference to said decoded digital watermark data, determining an identifier associated with each of said plural obtained content (refer for example to column 15, line 54 through column 16, line 9); and maintaining information relating to results of the foregoing monitoring (refer for example to column 18, lines 9-34).

With regard to claim 4, Houser describes wherein the information comprises a network site at which content including a digital watermark identifier is found (see figure 2 and refer for example to column 8, lines 50-65).

As to claim 5, Houser describes alerting proprietors of audio or image content to otherwise unknown distribution of their audio or image properties on the network (see figure 2 and refer for example to column 19, lines 22-26).

In regard to claim 6, Houser describes analyzing media content to obtain auxiliary data steganographically embedded therein (refer for example to column 15, lines 16-24); communicating the auxiliary data to a network resource, wherein the network resource comprises usage rights information catalogued therein, and wherein the usage rights information includes usage rights information that is associated with the media content (see figure 2 and refer for example to column 8, lines 50-65); receiving the usage rights information that is associated with the media content from the network resource (see figure 2 and refer for example to column 8, lines 50-65); and carrying out an action based at least in part on the received usage rights information (refer for example to column 19, lines 11-37).

With regard to claim 7, Houser describes wherein the media content is encrypted (refer for example to column 9, lines 36-67).

As to claim 8, Houser describes wherein the network resource comprises a computer in communication with the internet (see figure 2 and refer for example to column 8, lines 50-65).

In regard to claim 9, Houser describes wherein the auxiliary data is redundantly embedded in media content (refer for example to column 7, lines 61-65).

With regard to claim 10, Houser describes wherein the auxiliary data is redundantly embedded in the media content according to a key (refer for example to column 13, lines 14-20).

As to claim 11, Houser describes wherein the media content comprises geometric registration information steganographically embedded therein (refer for example to column 18, lines 9-56).

With regard to claim 12, Houser describes wherein the media content comprises at least one of image content, audio content and video content (refer for example to column 7, lines 15-28).

In regard to claim 13, Houser describes wherein the network resource is remotely located from a processor executing the method recited in claim 6 (see figure 2 and refer for example to column 8, lines 50-65).

With regard to claim 14, Houser describes a computer readable medium including executable instructions stored therein said instruction comprising instructions to carryout the method of claim 6 (see figure 2 and refer for example to column 8, lines 50-65).

As to claim 15, Houser describes decoding a steganographically hidden identifier from a media signal (refer for example to column 15, lines 16-24); communicating the decoded identifier to an on-line registry to obtain usage rights information associated with the media signal (see figure 2 and refer for example to column 8, lines 50-65); receiving the usage right information from the on-line registry (see figure 2 and refer for

example to column 8, lines 50-65); carrying out an action based at least in part on usage rights information (refer for example to column 19, lines 11-37).

In regard to claim 16, Houser describes wherein the media signal comprises at least one of an image, audio and video (refer for example to column 7, lines 15-28).

With regard to claim 17, Houser describes wherein the media signal is encrypted (refer for example to column 9, lines 36-67).

As to claim 18, Houser describes wherein the auxiliary data is redundantly embedded in media signal (refer for example to column 7, lines 61-65).

In regard to claim 19, Houser describes wherein the auxiliary data is redundantly embedded in the media signal according to a key (refer for example to column 13, lines 14-20).

With regard to claim 20, Houser describes a computer readable medium including executable instructions stored therein, said instruction comprising instructions to carry out the method of claim 15 (see figure 2 and refer for example to column 8, lines 50-65).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mintzer and Cooperman both disclose systems similar to applicant's claimed invention.

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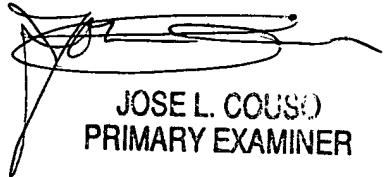
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose L. Couso whose telephone number is (571) 272-7388. The examiner can normally be reached on Monday through Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso, can be reached on (703) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the USPTO contact Center whose telephone number is (703) 308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jlc  
July 15, 2005



JOSE L. COUSO  
PRIMARY EXAMINER